

# State of South Dakota

## SEVENTY-NINTH SESSION LEGISLATIVE ASSEMBLY, 2004

983J0676

### SENATE BILL NO. 156

Introduced by: Senator Greenfield

1 FOR AN ACT ENTITLED, An Act to provide for the monitoring of achievement tests given  
2 to students receiving alternative instruction.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 13-27-3 be amended to read as follows:

5 13-27-3. A child shall be excused from school attendance, pursuant to § 13-27-2, because  
6 the child is otherwise provided with alternative instruction for an equivalent period of time, as  
7 in the public schools, in the basic skills of language arts and mathematics. The parent or  
8 guardian of the child shall identify in the application the place where the child will be instructed  
9 and any individual who will instruct the child. The individuals are not required to be certified.  
10 The secretary of the Department of Education may investigate and determine whether the  
11 instruction is being provided. Failure to provide instruction is grounds for the school board,  
12 upon thirty days' notice, to revoke the excuse from school attendance. The secretary of the  
13 Department of Education may inspect the records of an alternative education program with  
14 fourteen days' written notice if the secretary has probable cause to believe the program is not in  
15 compliance with this section. The records to be inspected are limited to attendance and evidence  
16 showing academic progress.



1       No individual may instruct more than twenty-two children. All instructions shall be given  
2       so as to lead to a mastery of the English language. Children receiving alternative instruction who  
3       are in grades two, four, eight, and eleven shall take a nationally standardized achievement test  
4       of the basic skills. The test may be the test provided by the state and used in the public school  
5       district where the child is instructed or another nationally standardized achievement test chosen  
6       by and provided at the expense of the child's parent, guardian, or school giving alternative  
7       instruction. ~~The test may be monitored by the local school district where the child is instructed.~~  
8       Any test given to a child pursuant to this section shall be monitored by the superintendent or a  
9       representative of the superintendent of the local school district where the child is instructed. The  
10      test shall be administered at a time and place agreed to by the parent, guardian, or other person  
11      providing the alternative instruction and the representative of the local school district who will  
12      monitor the test.